

# SERC MEETING

August 30, 1999

11:00 a.m.

John Pack began the meeting at 11:04 a.m. for those in attendance please see attached roster.

The minutes of July 12, 1999 were reviewed. Mr. Pack asked for corrections, deletions or additions. Joe Wyatt asked for a correction in the 3<sup>rd</sup> paragraph from the end of the 2<sup>nd</sup> page, it should read fire department instead of fired department. Rick Atkinson moved to approve with the correction. Denny McGann seconded. Motion passed.

HMEP Grants - Additional funding requests for the 1999 and 2000 HMEP grants are continuing to arrive. At this time it is unclear how much or if there will be additional funding for the 1999 Grant year. LEPC's have until September 30, 1999 to obligate or expend grant funds. If, after the deadline LEPC's determine they can not or will not expend all or part of the grant, the funds may then become available for redistribution to counties who have expressed interest. The ultimate goal is to expend all grant funds in successful and productive projects. The supplemental requests received for grant year 2000 will not utilize available funding. Mr. Pack asked the committee to review the following option: consider reopen the 2000 HMEP grants to LEPC. Mr. Pack is uncomfortable with this option since he feels it would reward LEPCs who missed a suspense date, but the supplemental requests are not enough to expend all available funding. Mr. Pack suggested reopening the grant period to LEPCs with a somewhat shorter grant period due to an additional application period and the review committee's requirement to assess new applications. Rick Atkinson asked how much additional funding will be available to LEPCs if the grants are reopened. Mr. Pack stated approximately \$10-15,000. There was discussion on the requests already received for supplemental funding, most that have been received have been for the 1999 grant year. Denny McGann said if grants were reopened could a cap be established at a reduced rate? Mr. Pack suggested the SERC retain current caps and evaluate each additional grant request based on merit. There was continue discussion on caps, grant availability and products. Rick Atkinson asked for clarification on present procedures. His understanding is, the grantees who applied on time have been granted funds based upon individual projects? Mr Pack said yes that is correct, we also notified those LEPC

s supplemental funding was available with a deadline of August 30, 1999. Mr. Atkinson said the original grantees were awarded grants and an opportunity to increase their funding? Mr. Pack said yes. Mr. Atkinson said we have rewarded those LEPCs who submitted their paperwork on time with additional funds, he does not think reopening the grants to the remaining LEPCs will undermine the program. Mr. Atkinson made a motion to reopen the 2000 HMEP Grant application process to all eligible counties who have not already applied with a reasonable deadline for completion of the grant package. Roy McCallister seconded. DR Smith (Wood County) asked for clarification of the 1999 grant

funds and availability of supplemental grant requests. Mr. Pack stated at this time he is unable to answer Mr. Smith's question because LEPCs have until September 30, 1999 to obligate or expend funds for the 1999 grant year. If after September 30 all funds have not been spent the SERC will review requests received from LEPCs and determine which if any will receive supplemental funding based upon availability of funds and the merits of the projects. Mr. Atkinson asked if 2000 HMEP funds not allocated could be used for 1999 overages? Mr Pack said no, as a legal issue US DOT will not permit expenditures of funding in that manner. You can not pay for goods or services completed before a grant period began. The legal ramifications could endanger the entire program. The previous motion to reopen the grant application with a new deadline is still on the floor. Mr. Pack asked for a vote of the prior motion. Motion passed.

SERC Grants - Laverne said she had received four (4) new requests and two (2) grant requests that are technically not eligible. She asked the committee how they wished to respond to those two counties? There was discussion on grant requirements, deadlines and consistency for grant applicants. Mr. Pack suggested the SERC table the two grants; inform the LEPCs their grants will be tabled until Plans are received, after which the grants will be reevaluated and processed.

Plan Reviews - Kim Hallam received one update: Tyler County, they meet all 9 required criteria and have updated their annex. Mr. Pack asked Tom Burns a technical question on whether the plan is approved or accepted. Mr. Burns said the plans are accepted or rejected based on whether they meet the SERCs required criteria. The SERC moved to accept Tyler Counties update as presented.

LEPC Membership Approvals - none at this time

By-Laws - Dave Wheatcraft said his review of the presented by-laws exhibited some problems, McDowell County's By-laws page 2 & 3 words all run together, Ohio County had part of page 4 blacked out, Tucker County does not have a signature. Mr. Atkinson said it looked like minor errors, possibly a program was converted (McDowell), some magic markers will cause a copy to black out unintentionally and Tucker signed the page indicating their chairperson, maybe they presumed it would suffice. There was discussion on by-laws, requirements, notification to LEPCs on requirements and the fact LEPCs have not been given guidance on what is required to be in the by-laws. Mr. Wheatcraft said he is surveying surrounding states on their requirements and hopes to have a comprehensive report for the SERC soon. J.R. Bias (Kanawha/Putnam EPC) remarked no guidance from the SERC has been received on who can sign the by-laws and the SERC should not expect LEPCs to conform to requirements they have not distributed to LEPCs. Mr. Pack suggested the counties who do not have problems be considered first and then the SERC can discuss the policy for the remaining three. Denny McGann moved to accept Gilmer, Marion and Randolph County by-laws as presented. Rick Atkinson seconded. Motion

approved. Mr. Pack asked the committee return Ohio County's by-laws, request page 4 & 5 be returned without highlights and the county commission or an appropriate authority sign the revision. Denny McGann made the motion to return for correction, Rick Atkinson seconded. Motion passed. Mr. Pack asked the committee to consider McDowell County; it was returned for a signature, the SERC received it back with a signature but it appears they had a data processing error. Mr. Pack suggested the committee consider approving the by-laws with the stipulation pages 2 & 3 be reprinted correctly and returned to the SERC. Denny McGann made the motion to accept with stipulation on corrections, Rick Atkinson seconded. Motion passed. Laverne indicated she did not previously request Tucker County resubmit their by-laws with a signature, Ms. Muncy saw the signature on the back page and did not realize it was not a signature for the by-laws. Mr. Pack said it would be unfair to penalize a county because of our error. Mr. Pack suggested the SERC table Tucker County's reading of the by-laws until the county could be notified and a request for signature made. There was additional discussion on Tucker County, the SERC requested the LEPC to have the chairperson, county commission or vice-chair sign and date the by-laws; specify the categories of members i.e. fire, ambulance, emergency management instead of response organization, a composition list will be sent to the county and if meeting minutes can not be produced signifying the appointment of the chairperson to reappoint him at a current meeting. Denny McGann made a motion to stay the vote temporarily until the requirements are met. Rick Atkinson seconded. Motion passed.

Training Subcommittee - Jim Cox reported the letters are being composed for selected agencies. There was discussion on agencies who should be involved in specific training, including law enforcement, fire service, county sheriff's, city police and EMS. Dan McKinny said DNR law enforcement will also need to be included as well as PSC.

New Business - There was some discussion on records retention and how long the SERC will need to keep Tier Two reports. Mr. Pack suggested tabling the subject until surrounding states and US EPA provide an opinion. There was also discussion of scanning the material in on CD-ROM and discarding the original paperwork and if it would then be considered a legal document.

Marshall/Wetzel County presented their recently completed Chemical Emergency Plan. Mr. Bill Sams, Director of Wetzel County and chairman of the joint LEPC spoke on the importance of having a plan in place and the cooperation they received from local industry. This plan is a result of the RMP requirements industry recently had to comply with. It became apparent industry was upgrading their plans and the county's needed to also update their plans to coordinate with area industry for a comprehensive approach to emergency preparedness in both counties. PPG Industries and Bayer Corp. supplied \$25,000 for the counties to revise plans and coordinate with surrounding industries. RJ Feldmeier from PPG gave a synopsis of the plan - it essentially meshes the emergency plans from industry and emergency services into working documents to better prepare county and private enterprises for situations that may occur. The plan identifies 9

sections containing such things as EHS substances and locations; worst case, alternate case, and planning case scenarios; transportation risks; emergency coordinators; response capabilities of various organizations; notification requirements; classification of severity of a spill/release; emergency alert procedures; press contacts; response procedures and many other items. The plan has been tested twice, with plans to conduct two more exercises later in the fall. Mr. Feldmeir said Mr. Sams is leading the way in the county, encouraging training for all potential responders. Mr. Sams said the LEPC continues to encourage training and is taking a serious look at setting up a structure not as reliant on industry for Hazmat response. We continue to look at improved communications, shelter-in-place initiatives and other activities. The county now has a mobile command center, although the interior is still being refurbished the facility will enable on scene coordinators a refuge during an incident. Mr. Sams said both Marshall and Wetzel counties are reaping the benefits of the RMP Program. Mr. Sams also said the LEPC does not need funding for this particular project since the cost was underwritten by PPG and Bayer. Mr. Sams does feel more and more of the information should be digital so costs may continue to be reduced. There was some discussion on the format of the plan; whether it needs to go out in paper copy or can be on disk or CD-ROM. The general consensus was the SERC does not specify how a plan can be distributed to the public but under the Freedom of Information Act LEPCs may charge reasonable fees to reproduce documents for business and the public. There was also some discussion on making plans and other items available on the Internet (web pages). But be aware information must be secured so it can not be changed by those logging into a particular site. Mr. Pack suggested a sub-committee be formed to determine future uses for excess Tier II fees. The committee needs to take a comprehensive look at all expenditures and projected future funds before the SERC can determine if an additional grant program can begin. Mr. Pack suggested a SERC meeting be held at the SERC/LEPC Conference September 27 & 28<sup>th</sup>. The SERC board members agreed to meet at the conference on Monday September 27<sup>th</sup>. Jim Riggs moved to adjourn, Roy McCallister seconded. Motion passed. Meeting ended at 12:35 p.m.

Scheduled date for next meeting September 27<sup>th</sup> 1:00 pm.